

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|------------------------------|---|------------------------------------|
| STEVEN JAMES KARPINSKI, |) | |
| |) | |
| Plaintiff, |) | 2:21-cv-221 |
| |) | |
| v. |) | District Judge Stephanie L. Haines |
| |) | Magistrate Judge Keith A. Pesto |
| |) | |
| PENNSYLVANIA DEPARTMENT OF |) | |
| CORRECTIONS, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

Plaintiff, Steven James Karpinski (“Plaintiff”), is a Pennsylvania prisoner who is housed at SCI Huntingdon. Plaintiff filed a Complaint (ECF No. 5) against various defendants including Defendant Brian Hyde. On March 28, 2024, Defendant Hyde’s counsel filed a Suggestion of Death (ECF No. 68), informing the Court that Defendant Hyde died on or about March 12, 2022. Plaintiff filed a Motion for Substitution of Parties (ECF Nos. 85, 86) to replace Defendant Hyde with Hyde’s Estate.

The case was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court. Magistrate Judge Pesto denied this request for substitution (ECF No. 97) and issued a Report and Recommendation (ECF No. 96)¹ stating that Plaintiff’s Complaint (ECF No. 5) failed to state a claim upon which relief can be granted against Hyde for the same reasons it failed to state a claim

¹ Under the screening provisions of the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996) (“PLRA”), courts are required to screen complaints at any time where, as is the case here, a prisoner seeks redress from an officer or employee of a governmental entity. 28 U.S.C. § 1915A.

as to defendants previously dismissed in this case (*see* ECF Nos. 38, 43). The Report and Recommendation was mailed to Plaintiff at his address of record. His objections to it were due by June 28, 2024. He did not file any objections.

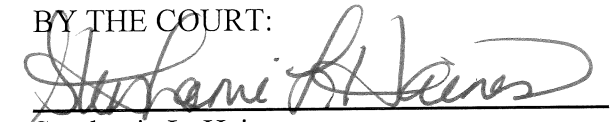
Accordingly, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 2nd day of July, 2024,

IT IS HEREBY ORDERED that Defendant Brian Hyde be dismissed with prejudice for failure to state a claim against him; and

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 96), filed by the Magistrate Judge on June 11, 2024, is adopted as the Opinion of the Court.

BY THE COURT:


Stephanie L. Haines
United States District Judge

cc: All Registered ECF Counsel and
via first-class mail to Plaintiff at his
address of record